
HOUSE BILL 2414

State of Washington

69th Legislature

2026 Regular Session

By Representatives Ormsby, Parshley, Scott, Reeves, and Donaghy; by request of Department of Natural Resources

Read first time 01/13/26. Referred to Committee on Appropriations.

1 AN ACT Relating to membership of wildland or aviation
2 firefighters in the law enforcement officers' and firefighters'
3 retirement system; and reenacting and amending RCW 41.26.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 41.26.030 and 2024 c 319 s 4 and 2024 c 304 s 202
6 are each reenacted and amended to read as follows:

7 As used in this chapter, unless a different meaning is plainly
8 required by the context:

9 (1) "Accumulated contributions" means the employee's
10 contributions made by a member, including any amount paid under RCW
11 41.50.165(2), plus accrued interest credited thereon.

12 (2) "Actuarial reserve" means a method of financing a pension or
13 retirement plan wherein reserves are accumulated as the liabilities
14 for benefit payments are incurred in order that sufficient funds will
15 be available on the date of retirement of each member to pay the
16 member's future benefits during the period of retirement.

17 (3) "Actuarial valuation" means a mathematical determination of
18 the financial condition of a retirement plan. It includes the
19 computation of the present monetary value of benefits payable to
20 present members, and the present monetary value of future employer
21 and employee contributions, giving effect to mortality among active

1 and retired members and also to the rates of disability, retirement,
2 withdrawal from service, salary and interest earned on investments.

3 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
4 rate of salary or wages, including longevity pay but not including
5 overtime earnings or special salary or wages, upon which pension or
6 retirement benefits will be computed and upon which employer
7 contributions and salary deductions will be based.

8 (b) "Basic salary" for plan 2 members, means salaries or wages
9 earned by a member during a payroll period for personal services,
10 including overtime payments, and shall include wages and salaries
11 deferred under provisions established pursuant to sections 403(b),
12 414(h), and 457 of the United States Internal Revenue Code, but shall
13 exclude lump sum payments for deferred annual sick leave, unused
14 accumulated vacation, unused accumulated annual leave, or any form of
15 severance pay. In any year in which a member serves in the
16 legislature the member shall have the option of having such member's
17 basic salary be the greater of:

18 (i) The basic salary the member would have received had such
19 member not served in the legislature; or

20 (ii) Such member's actual basic salary received for
21 nonlegislative public employment and legislative service combined.
22 Any additional contributions to the retirement system required
23 because basic salary under (b) (i) of this subsection is greater than
24 basic salary under (b) (ii) of this subsection shall be paid by the
25 member for both member and employer contributions.

26 (5) (a) "Beneficiary" for plan 1 members, means any person in
27 receipt of a retirement allowance, disability allowance, death
28 benefit, or any other benefit described herein.

29 (b) "Beneficiary" for plan 2 members, means any person in receipt
30 of a retirement allowance or other benefit provided by this chapter
31 resulting from service rendered to an employer by another person.

32 (6) (a) "Child" or "children" means an unmarried person who is
33 under the age of eighteen or mentally or physically disabled as
34 determined by the department, except a person who is disabled and in
35 the full time care of a state institution, who is:

36 (i) A natural born child;

37 (ii) A stepchild where that relationship was in existence prior
38 to the date benefits are payable under this chapter;

39 (iii) A posthumous child;

1 (iv) A child legally adopted or made a legal ward of a member
2 prior to the date benefits are payable under this chapter; or

3 (v) An illegitimate child legitimized prior to the date any
4 benefits are payable under this chapter.

5 (b) A person shall also be deemed to be a child up to and
6 including the age of twenty years and eleven months while attending
7 any high school, college, or vocational or other educational
8 institution accredited, licensed, or approved by the state, in which
9 it is located, including the summer vacation months and all other
10 normal and regular vacation periods at the particular educational
11 institution after which the child returns to school.

12 (7) "Department" means the department of retirement systems
13 created in chapter 41.50 RCW.

14 (8) "Director" means the director of the department.

15 (9) "Disability board" for plan 1 members means either the county
16 disability board or the city disability board established in RCW
17 41.26.110.

18 (10) "Disability leave" means the period of six months or any
19 portion thereof during which a member is on leave at an allowance
20 equal to the member's full salary prior to the commencement of
21 disability retirement. The definition contained in this subsection
22 shall apply only to plan 1 members.

23 (11) "Disability retirement" for plan 1 members, means the period
24 following termination of a member's disability leave, during which
25 the member is in receipt of a disability retirement allowance.

26 (12) "Domestic partners" means two adults who have registered as
27 domestic partners under RCW 26.60.020.

28 (13) "Employee" means any law enforcement officer or firefighter
29 as defined in subsections (17) and (19) of this section.

30 (14)(a) "Employer" for plan 1 members, means the legislative
31 authority of any city, town, county, district, or regional fire
32 protection service authority or the elected officials of any
33 municipal corporation that employs any law enforcement officer and/or
34 firefighter, any authorized association of such municipalities, and,
35 except for the purposes of RCW 41.26.150, any labor guild,
36 association, or organization, which represents the firefighters or
37 law enforcement officers of at least seven cities of over 20,000
38 population and the membership of each local lodge or division of
39 which is composed of at least sixty percent law enforcement officers
40 or firefighters as defined in this chapter.

1 (b) "Employer" for plan 2 members, means the following entities
2 to the extent that the entity employs any law enforcement officer
3 and/or firefighter:

4 (i) The legislative authority of any city, town, county,
5 district, public corporation, or regional fire protection service
6 authority established under RCW 35.21.730 to provide emergency
7 medical services as defined in RCW 18.73.030;

8 (ii) The elected officials of any municipal corporation;

9 (iii) The governing body of any other general authority law
10 enforcement agency;

11 (iv) A four-year institution of higher education having a fully
12 operational fire department as of January 1, 1996; (~~(or)~~)

13 (v) The department of social and health services or the
14 department of corrections when employing firefighters serving at a
15 prison or civil commitment center on an island; or

16 (vi) The department of natural resources when employing
17 firefighters that meet qualifications outlined by the national
18 wildfire coordinating group.

19 (c) Except as otherwise specifically provided in this chapter,
20 "employer" does not include a government contractor. For purposes of
21 this subsection, a "government contractor" is any entity, including a
22 partnership, limited liability company, for-profit or nonprofit
23 corporation, or person, that provides services pursuant to a contract
24 with an "employer." The determination whether an employer-employee
25 relationship has been established is not based on the relationship
26 between a government contractor and an "employer," but is based
27 solely on the relationship between a government contractor's employee
28 and an "employer" under this chapter.

29 (15)(a) "Final average salary" for plan 1 members, means (i) for
30 a member holding the same position or rank for a minimum of twelve
31 months preceding the date of retirement, the basic salary attached to
32 such same position or rank at time of retirement; (ii) for any other
33 member, including a civil service member who has not served a minimum
34 of twelve months in the same position or rank preceding the date of
35 retirement, the average of the greatest basic salaries payable to
36 such member during any consecutive twenty-four month period within
37 such member's last ten years of service for which service credit is
38 allowed, computed by dividing the total basic salaries payable to
39 such member during the selected twenty-four month period by twenty-
40 four; (iii) in the case of disability of any member, the basic salary

1 payable to such member at the time of disability retirement; (iv) in
2 the case of a member who hereafter vests pursuant to RCW 41.26.090,
3 the basic salary payable to such member at the time of vesting.

4 (b) "Final average salary" for plan 2 members, means the monthly
5 average of the member's basic salary for the highest consecutive
6 sixty service credit months of service prior to such member's
7 retirement, termination, or death. Periods constituting authorized
8 unpaid leaves of absence may not be used in the calculation of final
9 average salary.

10 (c) In calculating final average salary under (a) or (b) of this
11 subsection, the department of retirement systems shall include:

12 (i) Any compensation forgone by a member employed by a state
13 agency or institution during the 2009-2011 fiscal biennium as a
14 result of reduced work hours, mandatory or voluntary leave without
15 pay, temporary reduction in pay implemented prior to December 11,
16 2010, or temporary layoffs if the reduced compensation is an integral
17 part of the employer's expenditure reduction efforts, as certified by
18 the employer;

19 (ii) Any compensation forgone by a member employed by the state
20 or a local government employer during the 2011-2013 fiscal biennium
21 as a result of reduced work hours, mandatory leave without pay,
22 temporary layoffs, or reductions to current pay if the reduced
23 compensation is an integral part of the employer's expenditure
24 reduction efforts, as certified by the employer. Reductions to
25 current pay shall not include elimination of previously agreed upon
26 future salary increases; and

27 (iii) Any compensation forgone by a member employed by the state
28 or a local government employer during the 2019-2021 and 2021-2023
29 fiscal biennia as a result of reduced work hours, mandatory leave
30 without pay, temporary layoffs, furloughs, reductions to current pay,
31 or other similar measures resulting from the COVID-19 budgetary
32 crisis, if the reduced compensation is an integral part of the
33 employer's expenditure reduction efforts, as certified by the
34 employer. Reductions to current pay shall not include elimination of
35 previously agreed upon future salary increases.

36 (16) "Fire department" includes a fire station operated by the
37 department of social and health services or the department of
38 corrections when employing firefighters serving a prison or civil
39 commitment center on an island.

40 (17) "Firefighter" means:

1 (a) Any person who is serving on a full time, fully compensated
2 basis as a member of a fire department of an employer and who is
3 serving in a position which requires passing a civil service
4 examination for firefighter, and who is actively employed as such;

5 (b) Anyone who is actively employed as a full-time firefighter
6 where the fire department does not have a civil service examination;

7 (c) Supervisory firefighter personnel;

8 (d) Any full-time executive secretary of an association of fire
9 protection districts authorized under RCW 52.12.031. The provisions
10 of this subsection (17)(d) shall not apply to plan 2 members;

11 (e) The executive secretary of a labor guild, association or
12 organization (which is an employer under subsection (14) of this
13 section), if such individual has five years previous membership in a
14 retirement system established in chapter 41.16 or 41.18 RCW. The
15 provisions of this subsection (17)(e) shall not apply to plan 2
16 members;

17 (f) Any person who is serving on a full time, fully compensated
18 basis for an employer, as a fire dispatcher, in a department in
19 which, on March 1, 1970, a dispatcher was required to have passed a
20 civil service examination for firefighter;

21 (g) Any person who on March 1, 1970, was employed on a full time,
22 fully compensated basis by an employer, and who on May 21, 1971, was
23 making retirement contributions under the provisions of chapter 41.16
24 or 41.18 RCW;

25 (h) Any person who is employed on a full-time, fully compensated
26 basis by an employer as an emergency medical technician that meets
27 the requirements of RCW 18.71.200 or 18.73.030(13), and whose duties
28 include providing emergency medical services as defined in RCW
29 18.73.030; (~~and~~)

30 (i) Personnel serving on a full-time, fully compensated basis as
31 an employee of a fire department in positions that necessitate
32 experience as a firefighter to perform the essential functions of
33 those positions; and

34 (j) Full-time wildland or aviation firefighters, where "full
35 time" means expected to be employed for at least 160 hours in a month
36 for more than six months in the year.

37 (18) "General authority law enforcement agency" means any agency,
38 department, or division of a municipal corporation, political
39 subdivision, or other unit of local government of this state, the
40 government of a federally recognized tribe, and any agency,

1 department, or division of state government, having as its primary
2 function the detection and apprehension of persons committing
3 infractions or violating the traffic or criminal laws in general, but
4 not including the Washington state patrol. Such an agency,
5 department, or division is distinguished from a limited authority law
6 enforcement agency having as one of its functions the apprehension or
7 detection of persons committing infractions or violating the traffic
8 or criminal laws relating to limited subject areas, including but not
9 limited to, the state departments of natural resources and social and
10 health services, the state gambling commission, the state lottery
11 commission, the state parks and recreation commission, the state
12 utilities and transportation commission, the state liquor and
13 cannabis board, and the state department of corrections. A general
14 authority law enforcement agency under this chapter does not include
15 a government contractor.

16 (19) "Law enforcement officer" beginning January 1, 1994, means
17 any person who is commissioned and employed by an employer on a full
18 time, fully compensated basis to enforce the criminal laws of the
19 state of Washington generally, with the following qualifications:

20 (a) No person who is serving in a position that is basically
21 clerical or secretarial in nature, and who is not commissioned shall
22 be considered a law enforcement officer;

23 (b) Only those deputy sheriffs, including those serving under a
24 different title pursuant to county charter, who have successfully
25 completed a civil service examination for deputy sheriff or the
26 equivalent position, where a different title is used, and those
27 persons serving in unclassified positions authorized by RCW 41.14.070
28 except a private secretary will be considered law enforcement
29 officers;

30 (c) Only such full-time commissioned law enforcement personnel as
31 have been appointed to offices, positions, or ranks in the police
32 department which have been specifically created or otherwise
33 expressly provided for and designated by city charter provision or by
34 ordinance enacted by the legislative body of the city shall be
35 considered city police officers;

36 (d) The term "law enforcement officer" also includes the
37 executive secretary of a labor guild, association or organization
38 (which is an employer under subsection (14) of this section) if that
39 individual has five years previous membership in the retirement

1 system established in chapter 41.20 RCW. The provisions of this
2 subsection (19)(d) shall not apply to plan 2 members;

3 (e) The term "law enforcement officer" also includes a person
4 employed on or after January 1, 1993, as a public safety officer or
5 director of public safety, so long as the job duties substantially
6 involve only either police or fire duties, or both, and no other
7 duties in a city or town with a population of less than ten thousand.
8 The provisions of this subsection (19)(e) shall not apply to any
9 public safety officer or director of public safety who is receiving a
10 retirement allowance under this chapter as of May 12, 1993;

11 (f) The term "law enforcement officer" also includes a person who
12 is employed on or after January 1, 2024, on a full-time basis by the
13 government of a federally recognized tribe within the state of
14 Washington that meets the terms and conditions of RCW 41.26.565, is
15 employed in a police department maintained by that tribe, and who is
16 currently certified as a general authority peace officer under
17 chapter 43.101 RCW; and

18 (g) Beginning July 1, 2024, the term "law enforcement officer"
19 also includes any person who is commissioned and employed by an
20 employer on a fully compensated basis to enforce the criminal laws of
21 the state of Washington generally, on a less than full-time basis,
22 with the qualifications in (a) through (e) of this subsection.

23 (20) "Medical services" for plan 1 members, shall include the
24 following as minimum services to be provided. Reasonable charges for
25 these services shall be paid in accordance with RCW 41.26.150.

26 (a) Hospital expenses: These are the charges made by a hospital,
27 in its own behalf, for

28 (i) Board and room not to exceed semiprivate room rate unless
29 private room is required by the attending physician due to the
30 condition of the patient.

31 (ii) Necessary hospital services, other than board and room,
32 furnished by the hospital.

33 (b) Other medical expenses: The following charges are considered
34 "other medical expenses," provided that they have not been considered
35 as "hospital expenses."

36 (i) The fees of the following:

37 (A) A physician or surgeon licensed under the provisions of
38 chapter 18.71 RCW;

39 (B) An osteopathic physician and surgeon licensed under the
40 provisions of chapter 18.57 RCW;

1 (C) A chiropractor licensed under the provisions of chapter 18.25
2 RCW.

3 (ii) The charges of a registered graduate nurse other than a
4 nurse who ordinarily resides in the member's home, or is a member of
5 the family of either the member or the member's spouse.

6 (iii) The charges for the following medical services and
7 supplies:

8 (A) Drugs and medicines upon a physician's prescription;

9 (B) Diagnostic X-ray and laboratory examinations;

10 (C) X-ray, radium, and radioactive isotopes therapy;

11 (D) Anesthesia and oxygen;

12 (E) Rental of iron lung and other durable medical and surgical
13 equipment;

14 (F) Artificial limbs and eyes, and casts, splints, and trusses;

15 (G) Professional ambulance service when used to transport the
16 member to or from a hospital when injured by an accident or stricken
17 by a disease;

18 (H) Dental charges incurred by a member who sustains an
19 accidental injury to his or her teeth and who commences treatment by
20 a legally licensed dentist within ninety days after the accident;

21 (I) Nursing home confinement or hospital extended care facility;

22 (J) Physical therapy by a registered physical therapist;

23 (K) Blood transfusions, including the cost of blood and blood
24 plasma not replaced by voluntary donors;

25 (L) An optometrist licensed under the provisions of chapter 18.53
26 RCW.

27 (21) "Member" means any firefighter, law enforcement officer, or
28 other person as would apply under subsection (17) or (19) of this
29 section whose membership is transferred to the Washington law
30 enforcement officers' and firefighters' retirement system on or after
31 March 1, 1970, and every law enforcement officer and firefighter who
32 is employed in that capacity on or after such date.

33 (22) "Plan 1" means the law enforcement officers' and
34 firefighters' retirement system, plan 1 providing the benefits and
35 funding provisions covering persons who first became members of the
36 system prior to October 1, 1977.

37 (23) "Plan 2" means the law enforcement officers' and
38 firefighters' retirement system, plan 2 providing the benefits and
39 funding provisions covering persons who first became members of the
40 system on and after October 1, 1977.

1 (24) "Position" means the employment held at any particular time,
2 which may or may not be the same as civil service rank.

3 (25) "Regular interest" means such rate as the director may
4 determine.

5 (26) "Retiree" for persons who establish membership in the
6 retirement system on or after October 1, 1977, means any member in
7 receipt of a retirement allowance or other benefit provided by this
8 chapter resulting from service rendered to an employer by such
9 member.

10 (27) "Retirement fund" means the "Washington law enforcement
11 officers' and firefighters' retirement system fund" as provided for
12 herein.

13 (28) "Retirement system" means the "Washington law enforcement
14 officers' and firefighters' retirement system" provided herein.

15 (29)(a) "Service" for plan 1 members, means all periods of
16 employment for an employer as a firefighter or law enforcement
17 officer, for which compensation is paid, together with periods of
18 suspension not exceeding thirty days in duration. For the purposes of
19 this chapter service shall also include service in the armed forces
20 of the United States as provided in RCW 41.26.190. Credit shall be
21 allowed for all service credit months of service rendered by a member
22 from and after the member's initial commencement of employment as a
23 firefighter or law enforcement officer, during which the member
24 worked for seventy or more hours, or was on disability leave or
25 disability retirement. Only service credit months of service shall be
26 counted in the computation of any retirement allowance or other
27 benefit provided for in this chapter.

28 (i) For members retiring after May 21, 1971, who were employed
29 under the coverage of a prior pension act before March 1, 1970,
30 "service" shall also include (A) such military service not exceeding
31 five years as was creditable to the member as of March 1, 1970, under
32 the member's particular prior pension act, and (B) such other periods
33 of service as were then creditable to a particular member under the
34 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
35 event shall credit be allowed for any service rendered prior to March
36 1, 1970, where the member at the time of rendition of such service
37 was employed in a position covered by a prior pension act, unless
38 such service, at the time credit is claimed therefor, is also
39 creditable under the provisions of such prior act.

1 (ii) A member who is employed by two employers at the same time
2 shall only be credited with service to one such employer for any
3 month during which the member rendered such dual service.

4 (iii) Reduction efforts such as furloughs, reduced work hours,
5 mandatory leave without pay, temporary layoffs, or other similar
6 situations as contemplated by subsection (15)(c)(iii) of this section
7 do not result in a reduction in service credit that otherwise would
8 have been earned for that month of work, and the member shall receive
9 the full service credit for the hours that were scheduled to be
10 worked before the reduction.

11 (b)(i) "Service" for plan 2 members, means periods of employment
12 by a member for one or more employers for which basic salary is
13 earned for ninety or more hours per calendar month which shall
14 constitute a service credit month. Periods of employment by a member
15 for one or more employers for which basic salary is earned for at
16 least seventy hours but less than ninety hours per calendar month
17 shall constitute one-half service credit month. Periods of employment
18 by a member for one or more employers for which basic salary is
19 earned for less than seventy hours shall constitute a one-quarter
20 service credit month.

21 (ii) Members of the retirement system who are elected or
22 appointed to a state elective position may elect to continue to be
23 members of this retirement system.

24 (iii) Service credit years of service shall be determined by
25 dividing the total number of service credit months of service by
26 twelve. Any fraction of a service credit year of service as so
27 determined shall be taken into account in the computation of such
28 retirement allowance or benefits.

29 (iv) If a member receives basic salary from two or more employers
30 during any calendar month, the individual shall receive one service
31 credit month's service credit during any calendar month in which
32 multiple service for ninety or more hours is rendered; or one-half
33 service credit month's service credit during any calendar month in
34 which multiple service for at least seventy hours but less than
35 ninety hours is rendered; or one-quarter service credit month during
36 any calendar month in which multiple service for less than seventy
37 hours is rendered.

38 (v) Reduction efforts such as furloughs, reduced work hours,
39 mandatory leave without pay, temporary layoffs, or other similar
40 situations as contemplated by subsection (15)(c)(iii) of this section

1 do not result in a reduction in service credit that otherwise would
2 have been earned for that month of work, and the member shall receive
3 the full service credit for the hours that were scheduled to be
4 worked before the reduction.

5 (30) "Service credit month" means a full service credit month or
6 an accumulation of partial service credit months that are equal to
7 one.

8 (31) "Service credit year" means an accumulation of months of
9 service credit which is equal to one when divided by twelve.

10 (32) "State actuary" or "actuary" means the person appointed
11 pursuant to RCW 44.44.010(2).

12 (33) "State elective position" means any position held by any
13 person elected or appointed to statewide office or elected or
14 appointed as a member of the legislature.

15 (34) "Surviving spouse" means the surviving widow or widower of a
16 member. "Surviving spouse" shall not include the divorced spouse of a
17 member except as provided in RCW 41.26.162.

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